

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

**TRAVELERS INDEMNITY COMPANY,
as subrogee of SMOKY MOUNTAIN
LASER and IDM, INC.,**

Plaintiff,

VS.

**INDUSTRIAL PAPER & PACKAGING
CORP., et al.,**

Defendants.

**CIVIL ACTION NO. 3:02-CV-491
(Phillips/Guyton)**

ORDER

This matter is before the Court upon defendants' motions and joinders to strike plaintiff's supplemental expert disclosures [Doc.s 228, 230, and 229]. The defendants assert that the supplemental expert disclosures, as to Dayne C. Grey, C.P.A., are untimely and that the disclosures are inadequate. Plaintiff responds that, in taking weekends/holidays into account, the supplemental disclosures were not untimely and that, in referring to previous disclosures, which detail the calculation of lost profits damages, the plaintiff has sufficiently complied with the requirements of expert disclosure. Further, Mr. Grey's deposition is scheduled for January 22, 2007. Plaintiff states that the defendants will have the opportunity to fully examine Mr. Grey about his testimony and the financial information plaintiff produced four years ago supporting plaintiff's lost profits damages.

The Court finds that the plaintiff has sufficiently complied with the expert disclosure

requirements and that the deposition of Mr. Grey will provide the defendants with the opportunity to question Mr. Grey, thus avoiding the danger of any potential prejudice. Accordingly, defendants' motions and joinders [Doc.s 228, 230, and 229] are **DENIED**.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE